

Defendants.

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~~PROPOSED~~ EX PARTE
ORDER
TO SHOW CAUSE

(a) Enjoining Defendants, their affiliates, employees, agents, and representatives, and all persons acting in concert with or participating with Defendants, from using, disclosing, disseminating, posting, displaying, sharing, distributing, hosting, copying, viewing, accessing, providing access to or making available to anyone, in any manner whatsoever, the materials stolen by the Defendants

from the computer system of Plaintiff and from the Gmail accounts of Plaintiff's officials (the "Stolen Materials");

- (b) Ordering that Defendants, their affiliates, employees, agents, and representatives, and all persons acting in concert with or participating with Defendants, immediately deliver to Plaintiff: (i) all copies of the Stolen Materials; and (ii) all copies of any materials (in paper, electronic, or any other form) that contain or reflect any information derived from the Stolen Materials;
- (c) Ordering that Defendants, their affiliates, employees, agents, and representatives, and all persons acting in concert with or participating with Defendants, turn over to the Court any proceeds that Defendants have received as a result of their misappropriation and use of the Stolen Materials, such proceeds to be held in constructive trust until the conclusion of this litigation; and
- (d) Granting Plaintiff such other and further relief as this Court deems just and proper; and it is further

ORDERED that, sufficient reason having been shown therefor, pending the hearing and determination of Plaintiff's application for a preliminary injunction, pursuant to Federal Rule of Civil Procedure 65 and 18 U.S.C. § 1030(g), the Defendants are enjoined from using, disclosing, disseminating, posting, displaying, sharing, distributing, hosting, copying, viewing, accessing, providing access to or making available to anyone, in any manner whatsoever, any of the Stolen Materials, including, without limitation, any email communications between counsel for the Republic of Kazakhstan (including Curtis,

Mallet-Prevost, Colt & Mosle LLP and Gomez-Acebo & Pombo) and officials of the Republic of Kazakhstan; and it is further

ORDERED that security in the amount of \$ 1,000.⁰⁰ be posted by the Plaintiff prior to Wednesday, March 18, 2015 at 5 o'clock in the afternoon of that day; and it is further

ORDERED that any written opposition by Defendants be served by express mail to Curtis, Mallet-Prevost, Colt & Mosle LLP, 101 Park Avenue, New York, NY 10178-0061, att: Jacques Semmelman, Esq., and by electronic mail to jsemmelman@curtis.com, so as to be received by Plaintiff's counsel on or before 5:00 pm on the 18th day of March, 2015; and it is further

ORDERED that service of a copy of this Order and all supporting papers upon Defendants shall be effected by posting a notice, on the Facebook pages on which were posted certain of the Stolen Materials,¹ that contains a link to a copy of this Order and a link to a copy of all supporting papers on or before 5:00 pm on the 14th day of March, 2015, in substantially the following form:

¹ The Facebook pages are located at:

<https://www.facebook.com/notes/%D0%B8%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D0%BE%D0%BD%D0%BD%D1%8B%D0%B9-%D0%BF%D0%BE%D1%80%D1%82%D0%B0%D0%BB-%D1%80%D0%B5%D1%81%D0%BF%D1%83%D0%B1%D0%BB%D0%B8%D0%BA%D0%B0/%D0%BA%D0%B0%D0%BA-%D0%BB%D0%BE%D0%B1%D0%B1%D0%B8%D1%81%D1%82%D1%8B-%D0%B0%D0%BA%D0%BE%D1%80%D0%B4%D1%8B-%D1%80%D0%B0%D0%B1%D0%BE%D1%82%D0%B0%D1%8E%D1%82-%D0%BF%D0%BE-%D0%B4%D0%B5%D0%BB%D1%83-%D0%BF%D0%B0%D0%B2%D0%BB%D0%BE%D0%B2%D0%B0-%D0%B2-%D0%B8%D1%81%D0%BF%D0%B0%D0%BD%D0%B8%D0%B8/604773642956497>

and

<https://www.facebook.com/notes/%D0%B8%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D0%BE%D0%BD%D0%BD%D1%8B%D0%B9-%D0%BF%D0%BE%D1%80%D1%82%D0%B0%D0%BB-%D1%80%D0%B5%D1%81%D0%BF%D1%83%D0%B1%D0%BB%D0%B8%D0%BA%D0%B0/%D0%BA%D0%B0%D0%BA-%D0%B8%D1%81%D0%BF%D0%B0%D0%BD%D1%81%D0%BA%D0%B8%D0%B5-%D1%81%D1%83%D0%B4%D1%8C%D0%B8-%D1%80%D0%B0%D0%B1%D0%BE%D1%82%D0%B0%D1%8E%D1%82-%D0%BD%D0%B0-%D0%BA%D0%B0%D0%B7%D0%B0%D1%85%D1%81%D1%82%D0%B0%D0%BD/601833419917186>

On March 12, 2015, a Complaint was filed against you by the Republic of Kazakhstan in the United States District Court for the Southern District of New York. The case is styled as *The Republic of Kazakhstan v. Does 1-100 Inclusive*, Civ. No. 15 Civ. 1900 (ER) (S.D.N.Y. 2015). A copy of the Complaint can be found at the following link: _____.

In addition, a Motion for a Temporary Restraining Order and Preliminary Injunction (the "Motion") has been filed against you. A copy of the Motion and supporting papers can be found at the following link: _____. The Motion is brought by Order to Show Cause so that the matter will proceed on an expedited basis.

An *ex parte* temporary restraining order has already been issued against you, enjoining you, your affiliates, employees, agents, and representatives, and all persons acting in concert with or participating with you, from using, disclosing, disseminating, posting, displaying, sharing, distributing, hosting, copying, viewing, accessing, providing access to or making available to anyone, in any manner whatsoever, the materials stolen by you from the computer system of the Republic of Kazakhstan and from the Gmail accounts of officials of the Republic of Kazakhstan.

A copy of the Order to Show Cause can be found at the following link: _____. The Court has directed the parties to appear before it with respect to the Preliminary Injunction on _____, 2015 at the following location: the United States Courthouse for the Southern District of New York, 40 Foley Square, New York, NY 10007.

If you are represented by an attorney, please let us know and we will notify your counsel of the date and time selected by the Court.

Curtis, Mallet-Prevost, Colt & Mosle LLP
101 Park Avenue
New York, NY 10178-0061
Att: Jacques Semmelman, Esq.
jsemmelman@curtis.com
Attorneys for the Republic of Kazakhstan

and also by publishing a notice of these proceedings in two newspapers of general circulation in the Republic of Kazakhstan, namely *Kazakhstanskaya Pravda* (published in Russian) and *Egemen Kazakhstan* (published in Kazakh), every day for thirty days. These two forms of service shall be deemed good and sufficient service thereof.

DATED: New York, New York

ISSUED: March 13, 2015
3:50 p.m.



UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK